

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-001890

06/08/2011

HONORABLE PETER C. REINSTEIN

CLERK OF THE COURT
G. Verbil
Deputy

IN RE THE MARRIAGE OF
HEATHER KAY BOND

STEPHEN G CAMPBELL

AND

GABRIEL BOND

AARON T BLASE

ALTERNATIVE DISPUTE
RESOLUTION - CCC
TASC - PHOENIX

MINUTE ENTRY

Courtroom 605

9:26 a.m. This is the time set for a Resolution Management Conference. Petitioner/Mother is present and is represented by counsel, Stephen G. Campbell. Respondent/Father is present and is represented by counsel, Aaron T. Blase.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Heather Kay Bond and Gabriel Bond are sworn.

The Court is informed that the parties have reached certain interim agreements. Such agreements are recited on the record in the presence of both parties as follows:

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1. The parties agree that Father shall have parenting time with the minor child, **Cauge Bond** (born 04-06-10), every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. beginning June 10, 2011;
2. Father shall have parenting time with the minor child every Wednesday from 6:00 p.m. until 8:00 p.m.;
3. Mother shall take the child on vacation to Washington from July 27, 2011 through August 24, 2011;
4. Father shall have one additional parenting time weekend in July (July 15-17) to offset the August 12, 2011 weekend that occurs during Mother's vacation. Father's regular alternating weekends shall resume on August 26, 2011;
5. Father shall pay **directly** to Mother as interim child support \$300 per month;
6. All Father's parenting time shall take place at Father's parents' house. The swimming pool at the home shall be secured by a fence the weekend of June 10;
7. Father's portion of the 2010 federal income tax refund (one-half of \$938) shall be used to pay the Desert Schools Federal Credit Union overdraft;
8. Father agrees to undergo random weekly drug testing as ordered below.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

THE COURT FINDS that the agreement entered into between the parties is not unfair and is reasonable and in the best interests of the parties' minor child. The Court hereby approves the same as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

IT IS ORDERED affirming the settlement conference set for **July 20, 2011 at 9:30 a.m.** before Judge *Pro Tem* Hope Fruchtmann. Counsel and/or the Parties shall not contact ADR directly. Counsel and/or the Parties will receive a minute entry from ADR setting forth the necessary settlement conference information.

IT IS FURTHER ORDERED that Father shall undergo random drug testing on the following basis:

- A. Agency. Father's random drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.
- B. First Test. Father shall report to TASC no later than 5:00 p.m. today for his first test.

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- C. Scope. Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.
- D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
- a. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
 - b. Father shall timely report for testing and provide samples as directed by the testing agency.
 - c. Father shall present photo identification to the testing agency at the time of each test.
 - d. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Father shall pay the cost of his testing (\$25.00 per test) in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Father shall be randomly tested not less than once per week.
- G. Positive/Diluted/Missed Test. In the event that Father tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel.

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The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.

IT IS ORDERED setting Trial to the Court on **September 20, 2011 at 1:30 p.m.** (Time allotted: 3 hours) before:

**The Honorable Peter C. Reinstein
Central Court Building
201 West Jefferson, Courtroom 605
Phoenix, Arizona 85003**

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

Disclosure/Discovery

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rule 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits forty-five (45) days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed thirty (30) days prior to trial.
3. Counsel and both parties shall personally meet, face to face, ten (10) days prior to trial to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or healthcare provider, or employer possessing any relevant information.

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5. If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

Joint Pre-trial Statement

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than five (5) days prior to trial.

IT IS FURTHER ORDERED that the Joint Pre-trial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500.00 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

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IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

Exhibits

IT IS ORDERED that any documents or other items intended to be submitted as exhibits at the time of the trial shall be hand-delivered to the Clerk of this division at least **five (5) business days prior to trial**. The exhibits shall be submitted with a coversheet listing the description of each exhibit and separated by a sheet of **colored** paper to easily identify where one exhibit ends and the next begins. Duplicate exhibits shall not be presented and will not be marked. **Any exhibits not submitted by noon on this date will not be accepted. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.**

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits which the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

Findings of Fact

IT IS ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than thirty (30) days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than ten (10) days prior to trial.

Settlement

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

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NOTE: All Court proceedings are recorded by an audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three court business days before the scheduled hearing.

Effective June 27, 2011, this division's calendar shall be assigned to the Honorable James Blomo.

9:33 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.